

REMARKS

Claims 10-13, 16-28, and 58-60 are pending. By this Amendment, Claims 10, 17 and 24 are amended, and Claims 58-60 added. Because support for the amendments to Claims 10, 17 and 24, as well as the subject matter recited by new dependent Claims 58-60, is provided in the application as originally filed, for example, see Figure 6, Applicants respectfully submit that no new matter is presented herein.

Claim Rejections – 35 U.S.C. §102/§103

Claim 24-25 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 5,464,391 to DeVale; Claims 10, 13, 16-18, 21-25 and 28 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 5,462,256 to Minick et al. (Minick); Claims 12, 19-20, and 26-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Minick and DeVale as applied to Claims 10, 17 and 24 above, and further in view of United States Patent Number 5,647,852 to Atkinson and United States Patent Number 4,665,943 to Medvick et al. (Medvick).

Applicants respectfully traverse each of the rejections for at least the following reason(s).

Claims 10, 17 and 24 each recite a cartridge cassette including, among other features, upstream and downstream valves disposed in a cartridge and in fluid communication with a source of fluid (upstream valve only) or irrigation conduit (downstream valve only) and a pumping chamber, ***wherein the upstream and downstream valves are parallel relative to each other.***

Applicants respectfully submit that the recited structural arrangement of the upstream and downstream valves facilitates an easier connection and disconnection of the cartridge to a pump, and provides a more compact and neater arrangement.

Applicants respectfully submit that the applied art of record, i.e., DeVale, Minick, Atkinson, and Medvick, alone or in any combination thereof, fail to disclose, teach or otherwise suggest each and every feature recited by independent Claims 10, 17 and 24.

For example, Applicants respectfully point out that the upstream valve (28) and downstream valve (34) taught by DeVale are orthogonal or perpendicular relative to each other and are not parallel relative to each other. See Figure 2 of DeVale where the upstream valve (28) is perpendicular relative to the downstream valve (34).

Similarly, the upstream valve (61) and downstream valve (62) taught by Minick are coaxial relative to each other and are not parallel relative to each other. See Figure 3 of Minick where the upstream valve (61) is coaxial relative to the downstream valve (62) and not parallel relative to each other.

Atkinson and Medvick do not cure or otherwise address the above described deficiencies of DeVale and Minick. In particular, Applicants note that the upstream and downstream valves of Atkinson are similar to the valves of Minick as they are coaxial and not parallel relative to each other (see Figures 1-2), and the upstream and downstream valves of Medvick are like the valves of DeVale as they are orthogonal or perpendicular relative to each other and not parallel relative to each other (See Figure 3).

Accordingly, Applicants respectfully submit that DeVale and Minick do not disclose each and every feature recited by Claims 10, 17 and 24.

To qualify as prior art under 35 U.S.C. §102, each and every feature recited by a rejected claim must be disclosed by the applied art of record. Since DeVale and Minick do not disclose each and every feature recited by Claims 10, 17 and 24, Applicants respectfully submit that DeVale and Minick do not anticipate, nor render obvious, Claims 10, 17 and 24, and that Claims 10, 17 and 24 should be deemed allowable over DeVale and Minick.

For the reason discussed above, Applicants respectfully submit that Atkinson and Medvick do not cure or otherwise address the deficiencies of DeVale and/or Minick.

Therefore, Applicants respectfully submit that Claims 10, 17 and 24 are not rendered obvious in view of DeVale, Minick, Atkinson, and/or Medvick.

Claims 11-13, 16 and 58 depend from Claim 10; Claims 18-23 and 59 depend from Claim 17; and 25-28 and 60 depend from Claim 24. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reason(s) Claims 10, 17 and 24, respectively, are allowable as well as for the additional subject matter recited therein.

Withdrawal of the rejections is respectfully requested.

Conclusion

In view of the above, reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 10-13, 16-28 and 58-60, and the prompt issuance of a Notice of Allowability is respectfully requested.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 029714.00027.**

Respectfully submitted,



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